

D2  
19. (Amended) [The] A vector [of claim 18] comprising the nucleic acid of claim 15 operably linked to one or more control sequences recognized by a host cell transformed with the vector.

Please add the following claims:

E  
--30. The host cell of claim 20 which <sup>is</sup> comprises an *E. coli* cell.

P3  
31. The host cell of claim 20 which <sup>is</sup> comprises a Chinese Hamster Ovary (CHO) cell.

E  
32. The host cell of claim 20 which <sup>is</sup> comprises a yeast cell. --

#### REMARKS

Claims 1-11 and 15-21 are pending in the application and are the subject of the present Office Action. Claims 1, 2, 3, and 19 have been amended, and claims 30-32 have been added. It is believed that no new matter has been introduced by these amendments. The amendments to claims 1, 2, 3, and 19 have been introduced to further clarify the terms in the claims, and support for claims 30-32 can be found on at least pages 30-32 of the specification.

##### A. Notice to Comply with Sequence Listing Rules

In the Office Action, a Notice to Comply was issued, requesting that the Sequence Listing be re-submitted with the proper explanation fields, <200> to <223>. Applicants are completing the required changes to the Sequence Listing and will be filing under separate cover a substitute CRF and paper copy of the Sequence Listing with the proper explanation fields.

##### B. Section 112 Rejections

Claims 1-3, 19, and dependent claims 8-11, 15-18 and 20-21 have been rejected under Section 112, second paragraph, as being indefinite.

Specifically, claims 1-3 have been rejected as including the terms "about" and "identity". As shown above, the term "about" has been deleted from claims 1-3. With respect to the use of the term "identity", Applicants respectfully request reconsideration and withdrawal of this rejection. It is Applicants' understanding that the Patent Office does not consider the use of the % identity terminology indefinite, and this should particularly be the case in the instant application which provides to those skilled in the art both an ample description and definition of the term.

Claim 19 has been amended, pursuant to the Examiner's suggestion, to clarify the phrasing of the "control sequences" terminology and to indicate that one or more control sequences may

be present.

In view of the above, it is believed that the claims are in allowable form. If the Examiner believes that any outstanding issues need to be further addressed, the Examiner is invited to contact the undersigned at the telephone number below to resolve such issues.

Respectfully submitted,  
GENENTECH, INC.

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